

SECOND REGULAR SESSION

SENATE BILL NO. 490

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Pre-filed December 1, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

4458S.011

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to civil actions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be known as section 537.291, to read as follows:

537.291. 1. A person shall not maintain an action to enjoin, abate, or recover damages for a private nuisance based upon an air emission or water or solid waste discharge, other than the placement of nuclear waste, where the emission or discharge was expressly authorized by and is not in violation of a term or condition of:

(1) A statute or regulation;

(2) A license, permit, or order that is issued after public hearing by a municipal, county, state, or federal government and subject to continuing compliance monitoring, periodic review by the issuing agency, and renewal on a periodic basis; or

(3) A court order or judgment.

2. The provisions of subsection 1 of this section do not apply to actions in which the air emission or water or solid waste discharge that is the subject of the action produces a result that was unknown or not reasonably foreseeable at the time of the authorization.

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